

I. REMARKS/ARGUMENTS

These remarks are submitted in response to the Office Action of May 31, 2007 (Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due. As a result of this Amendment, claims 12, 14, and 15 have been amended.

In paragraph 3, at page 2 of the Office Action, Claims 12-18 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0264585 A1 to Borran *et al.* (hereinafter Borran)

II. Applicant's Invention

It may be helpful to reiterate certain aspects of Applicant's invention prior to addressing the references cited in the Office Action. The invention, for example, provides a constellation design for a communication system comprising a plurality of rings in a constellation, wherein each ring in the plurality of rings has a different radius that is dependent upon a total number of points in the constellation design, a phase difference between two consecutive points on a predetermined ring dependent upon an order of the predetermined ring, a predetermined number of rings dependent upon the total number of points in the constellation design, and a predetermined bit sequence assignment to the points in the constellation design dependent upon the total number of points in the constellation design.

III. The Claims Define Over the Prior Art

The Examiner found claims 1-11 allowable since none of the art discloses or suggests a constellation design having a plurality of rings where each ring has a different radius that is dependent upon a total number of points in the constellation design as recited in claim 1. Claims 12, 14, and 15 have now been amended to include the novel and non-obvious constellation design in the context of a method for demodulation or in the context of a communication system and therefore these independent claims and their corresponding dependent claims are equally allowable.

IV. **CONCLUSION**

Applicants believe that this application is now in full condition for allowance. Allowance is therefore respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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